

## REMARKS

Claims 1-8, 10-14 and 17-20 are pending in the present application. Claims 1-8, 10-14 and 17-20 stand rejected. No claims have been allowed. No claims have been amended or canceled. New claims 21-33 have been added.

### **Rejections under 35 U.S.C. § 102**

Claims 1-8, 10-14 and 17-20 stand rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Publication No. 2002/0077169 A1 to Kelly, et al. (“Kelly”). In setting forth these rejections, the Office Action states in part, “Kelly discloses . . . [a] gaming system [that] includes at least one gaming device adapted to accept a wager by a player.” Applicants respectfully traverse these § 102 rejections.

In order to anticipate a claim, a reference must contain every material element of that claim. Each of independent claims 1, 10 and 17 recites that the “graphical user interface” at issue in all claims is one that is associated with “at least one *gaming device adapted to accept a wager* by a player, present a game, and grant an award for predetermined winning events” (emphasis added). As stated previously by Applicants, it is believed that this language makes it unambiguously clear that the present claims are all directed only toward gaming systems including gaming machines (i.e., gambling based machines) that play games based on *wagers* or bets and that can award winnings thereby. Such gaming machines are well known in the gaming arts to include both mechanical and electronic slot machines, video poker machines, keno machines, and the like.

Applicants respectfully submit that such gaming machines typically do *not* include devices that only run general non-wagering video games such as solitaire or other types of arcade style video games usually found on “Yahoo Games,” other Internet sites, or home entertainment console systems, such as that which is described in Kelly. Not only are these

other general types of arcade style video games, devices, systems and networks not known for their ability to accept wagers and award cash winnings, but they are also not regulated by a gaming board or other similar gambling regulating entity within a governing jurisdiction. Accordingly, such general video games and systems are not typically adapted for gambling use and are not required to have the same constraints and restrictions placed upon them as those that are placed upon most forms of wager based gaming machines and systems.

Applicants thus respectfully submit that Kelly does not disclose or suggest a “gaming device adapted to accept a wager by a player.” Rather, Kelly discloses a game or gaming system where “the user logs on, purchases credits (optional), and plays a game provided by the server.” As is generally well known in the arcade game industry, “purchasing a credit” to play a video game does not constitute a wager regardless of whether a prize is available, and such an action definitively cannot be considered a wager for various important legal reasons. Accordingly, such an action within the device or system disclosed by Kelly does not constitute accepting a wager. Because such a limitation is required to be within Kelly for an anticipation rejection to be proper, however, the pending § 102 rejections for independent claims 1, 10 and 17 cannot stand.

In addition, the Office Action states, “Kelly also discloses accepting a second input from an operator of the gaming system (page 6, paragraph 76), wherein the primary account holder serves as the operator to input accessible games for the use.” Applicants respectfully submit, however, that a “primary account holder” as described in Kelly is not an “operator of said gaming system,” but merely a user, albeit a user with some control over other users. An operator as claimed and as understood in the art, on the other hand, reflects one who is an administrator or other controlling entity with respect to a system. Support for this reading of “operator” can be found, for example, at page 32, lines 1-6 of the application as filed. Since Kelly does not otherwise appear to disclose the step of “accepting a second input from an

operator of said gaming system” in a way that is relevant to that which is claimed in independent claims 1, 10 and 17, Kelly does not anticipate these claims for at least this additional reason.

In particular, each of these independent claims recites the element “wherein said resulting display is customized to the user based at least in part upon said first input and said second input.” While the Office Action states, “Kelly discloses . . . the resulting display is customized to the user based at least in part upon the first input and the second input (page 7, paragraph 76),” Applicants again reiterate that a parent or other primary account holder is a user and not a system operator. Further, it is not apparent from this particular passage from Kelly how the resulting display is customized to the user. Control over aspects of another user account is described, but no details or mention of how such control might affect the graphical user interface is given. Applicants respectfully submit that such an affect cannot properly be assumed, such that Kelly does not disclose this additional element. Thus, Kelly does not anticipate any of independent claims 1, 10 and 17 for at least this additional reason.

Because each of dependent claims 2-8, 11-14 and 18-20 all depend from one of independent claims 1, 10 or 17, the pending § 102 rejections for these claims similarly cannot stand for at least the same reasons as those given above for claims 1, 10 and 17. Applicants thus respectfully request the withdrawal of these § 102 rejections under Kelly. Additional reasons for various individual claims are further provided as follows.

With respect to claim 2, the Office Action states, “Kelly discloses that the navigation selectable elements include container elements (page 7, paragraph 88, lines 5-7).” A careful read of this passage of Kelly, however, does not reveal how such items can be considered “container elements” as defined and claimed by the present application. Such a definition and ongoing consideration of same can be found at, for example, page 10, line 9 of the application as filed, which states, “In general, a container element 31 is an element which

contains other elements or information.” As depicted in Figure 1 of the application as filed, such a container element 31 comprises a “folder” icon, indicating that other items can be contained within such a container element. Because Kelly has not been shown to contain such a “container element” or other similar item, Applicants respectfully submit that Kelly does not anticipate claim 2 for at least this additional reason.

With respect to claims 4, 6 and 19, the Office Action states, *inter alia*, “Kelly discloses that the navigation selectable elements are arranged in a hierarchical format (reference 1308, Figure 13) . . . [and that] categories of similar items are grouped together and structured thereby creating a tree structure.” A careful review of this Figure from Kelly, however, does not reveal how reference item 1308 or any other item from Figure 13 can be considered to be in a “hierarchical format” or tree form as defined and claimed by the present application. Such a definition and ongoing consideration of same can be found at, for example, page 10, lines 17-21 of the application as filed, which states, “the navigation selectable elements are arranged in a hierarchical format which reflects an arrangement or interrelationship of functions of the applications or other information [such as] . . . into a plurality of levels or layers [or] . . . in a simple linear ordering.” As depicted in Figure 1 of the application as filed, such a hierarchical format of navigation selectable elements 29 can be in a tree form of varying layers. Because Kelly has not been shown to contain such a tree form or any other “hierarchical format,” Applicants respectfully submit that Kelly does not anticipate any of claims 4, 6 or 19 for at least this additional reason.

With respect to claim 10, the Office Action states, “Kelly discloses determining an access point for the ordered navigation selectable elements for the user from the profile . . . (page 4, paragraph 50, lines 5-14).” A careful review of this passage from Kelly, however, does not reveal any item resembling an “access point” as defined and claimed by the present application. Such a definition and ongoing consideration of such an access point can be

found at, for example, page 19, lines 9-21, and page 32, lines 9-13 of the application as filed. Because Kelly has not been shown to contain an “access point” or other similar item, Applicants respectfully submit that Kelly does not anticipate claim 10, and thus dependent claims 11-14 as well, for at least this additional reason.

With respect to claims 11-12, the Office Action states, “Kelly discloses that the navigation selectable elements are arranged into one or more levels, with the access point comprises one of the levels (reference number 1308, Figure 13) . . . [and] a configuration for the navigation selectable elements associated with one or more levels higher than the level with which the access point is associated are not accessible to the user. (page 6, paragraph 76, lines 1-11).” Again, a careful review of this figure and passage from Kelly does not reveal any items resembling an “access point” or “levels” as defined and claimed by the present application. Because Kelly has not been shown to contain an “access point” various “levels” of access or any other similar items, Applicants respectfully submit that Kelly does not anticipate claims 11-12 for at least this additional reason.

With respect to claim 18, the Office Action states, “Kelly discloses . . . [a] graphical user interface adapted to display one or more of the navigation selectable elements as user selectable button (reference numbers 1310, 1312, 1314, Figure 13).” While Figure 13 may depict buttons that can be used by a user, it is not apparent how these buttons are “user-selectable buttons” as defined and claimed by the present application. Such user-selectable buttons are *navigation buttons that are actually displayed* because of a selection or choice made by the user, not just usable buttons. Support for such a definition can be found at, for example, page 18 lines 7-9 and page 24 lines 10-11 of the application as filed. Because Kelly has not been shown to contain such a “user-selectable button” or any similar item, Applicants respectfully submit that Kelly does not anticipate claim 18 for at least this additional reason.

With respect to claim 20, the Office Action states, “Kelly discloses that the graphical user interface is associated with a gaming system accounting system (page 3, paragraph 39, lines 9-13).” As discussed above, the “gaming system” as disclosed and claimed in the present application relates to a system of wager or gambling type games. Hence, a related “gaming system accounting system” is an accounting system associated with such a system for wager or gambling type games. At best, Kelly only discloses arcade or other video game type systems, such that any accounting system associated with Kelly can only relate to such a non-wager based system. Because Kelly has thus not been shown to contain such a “gaming system accounting system,” Applicants respectfully submit that Kelly does not anticipate claim 20 for at least this additional reason.

#### **New Claims**

New claims 21-33 have been added. Support for each of these new claims can be found throughout the specification, figures and claims as originally filed. Support for new claims 21-22 can be found at, for example, page 25 line 19 through page 26 line 2 of the specification as originally filed. Support for new claim 23 can be found at, for example, page 28 lines 16-21 of the specification as originally filed. Support for new claim 24 can be found at, for example, page 26 lines 4-8 of the specification as originally filed. Support for new claims 25-27 can be found at, for example, page 23 line 4 through page 24 line 11 of the specification as originally filed. Support for new claim 28 can be found at, for example, page 13 lines 1-8 of the specification as originally filed. In particular, Applicants note that a “level navigation button” is a specific type of navigation button that is not taught or suggested by Kelly. Support for new claims 29-30 can be found at, for example, page 28 lines 1-3 of the specification as originally filed. Support for new claim 31 can be found at, for example, page 29 lines 15-16 of the specification as originally filed. Support for new claims 32-33 can be

found throughout the specification as originally filed, and in particular at various locations as listed directly above. Applicants respectfully submit that these new claims are patentable over the prior art for at least the same reasons given above for the other pending claims.

### **CONCLUSION**

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a Notification of Allowance to that effect. Outside the fee for the addition of new claims, it is believed that no other fee is due at this time. Should payment for this fee be inadvertently omitted, or should any other fee be required for any reason related to this document, however, then the Commissioner is hereby authorized to charge such fee or fees to Deposit Account No. 50-0388, referencing Docket No. IGT1P119. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this document or application.

Respectfully Submitted,  
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